

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>CAROL G. WALTERS,</b>	:	<b>Case No. 5:07CV2553</b>
	:	
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>JUDGE KATHLEEN M. O'MALLEY</b>
	:	
<b>COMMISSIONER OF SOCIAL</b>	:	<b><u>ORDER</u></b>
<b>SECURITY,</b>	:	
	:	
<b>Respondent.</b>	:	

The Commissioner of Social Security denied social security benefits to the Claimant, Carol G. Walters ("Walters"), in the above-captioned case. Walters sought judicial review of the Commissioner's decision, and this Court referred the case to Magistrate Judge Nancy A. Vecchiarelli for preparation of a Report and Recommendation ("R&R") pursuant to Local Rule 72.2(b)(1) and 28 U.S.C. §636(b)(1)(B). Both parties filed briefs in support of their respective positions. (Docs. 14 and 16.) The Magistrate Judge then submitted her R&R on July 24, 2008, recommending that the Court vacate the Administrative Law Judge's ("ALJ") decision and "remand the case for further proceedings." (Doc. 17 at 26.) Specifically, Magistrate Judge Vecchiarelli recommended as follows:

Upon remand, the ALJ should (1) either accept the functional limitations imposed by Walters' treating physicians or ask a medical expert to assess the record as a whole to determine whether the medical evidence supports the functional limitations imposed by Walters' treating physicians and (2) re-assess Walters' credibility in light of the errors described above in assessing the [sic] Walters' credibility in relation to the objective medical evidence.

(ECF Doc. 17 at 26-27.) Walters did not object to the Magistrate Judge's R&R, and the Defendant filed a response to the R&R specifically stating that he would not object to the R&R. (Doc. 18.)

The Court has reviewed the Magistrate Judge's R&R, *de novo*. The Court agrees with the

Magistrate Judge's conclusions – most importantly, that “the ALJ's decision to reject the opinions of Walters' treating physicians and give primary weight to the opinion of state agency physicians rested upon a faulty reading of the record and upon medical opinions ungrounded in medical expertise” was erroneous and, therefore, “the ALJ's findings regarding Walters' functional limitations or Walters' ability to perform her past relevant work were [not] supported by substantial evidence.” (*See* Doc. 18 at 22.) Because neither party has objected to the Magistrate Judge's well-reasoned R&R, further explanation of the Court's reasoning is not required. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6th Cir. 1986).

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R, thus **REVERSING** the Commissioner of Social Security's decision and **REMANDING** the case for further proceedings not inconsistent with this opinion.

**IT IS SO ORDERED.**

**Date: December 12, 2008**

s/Kathleen M. O'Malley  
**KATHLEEN MCDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**